

LOS ANGELES TIMES

19 March 1985

ARTICLE APPEARED
ON PAGE L PART II**. Trial to Open in Bizarre Case****Focus of Spy Drama
Turns to Soviet Pair**By WILLIAM OVEREND, *Times Staff Writer*

They are strange figures in what has become one of the strangest espionage cases in U.S. history.

For months, they have played bit roles in the bizarre spy drama of Richard W. Miller, the first FBI agent ever charged with espionage.

Beginning today in a federal courtroom in Los Angeles, however, the focus will shift to the two Russian emigres who were arrested with Miller Oct. 2 in an alleged plot to provide secret FBI documents to the Soviet Union.

Svetlana Ogorodnikova, 34, and her husband, Nikolai Ogorodnikov, 52, go on trial today as accused Soviet spies. If convicted, they could be sent to prison for the rest of their lives.

The first job for the federal prosecutors and the defense lawyers in the case will be to select the 12-member jury that will ultimately decide the fate of the Russian couple. The jury selection is expected to take at least two days, and the entire trial could take another two months.

Although Miller is charged with the Ogorodnikovs, his trial has been severed and will follow that of the Russians.

It was Miller, who will be seen by the jurors in this trial only as a witness, who presented the first of several dramatically different portraits of the Ogorodnikovs that have emerged since their arrest.

Miller, questioned by the FBI for five days before his own arrest, initially portrayed Ogorodnikova as a self-described major in the Soviet KGB who had spent months trying to recruit Miller as a Soviet spy.

Nikolai Ogorodnikov, Miller said, was a shadowy figure in the Soviet intelligence hierarchy in Los Angeles, a man who called himself Nikolai Wolfson and allegedly controlled the finances for KGB operations in the Los Angeles area.

As Miller told the story before his arrest, he was the loyal FBI counterintelligence agent attempting to use the Ogorodnikovs so that he could become the first FBI agent ever to infiltrate an active Soviet spy ring.

Adding to the already sensational nature of Miller's account was his own admission that from the very beginning of his relationship with Ogorodnikova, they had been sexually involved.

In the months of legal preliminaries leading up to the Ogorodnikov trial, however, a completely different picture of the two Russians has been drawn by their defense attorneys.

Ogorodnikova's lawyers, Brad D. Brian and Gregory P. Stone, describe her as an alcoholic and a deeply troubled woman with an IQ between 64 and 74, far below the range of normal intelligence.

The Prosecution's Version

She had been an FBI informant for years, the lawyers said. Whatever she did with Miller, they contend, was in the belief that she was helping an FBI agent do his job.

Ogorodnikov was hardly the mysterious KGB financier as he was originally described, adds his

lawyer, Randy Sue Pollock. Instead, by her account, he was a hard-working meatpacker who knew virtually nothing of his wife's activities.

Between those extremes, government prosecutors have hinted, there may be a third picture to emerge at the trial of the couple, arrested as spies almost six months ago in a cheap apartment in West Hollywood.

That version, anticipated by some of the defense lawyers in the case, would be that the Ogorodnikovs were neither the master KGB spies of Miller's early account nor the total innocents that their attorneys describe.

Richard B. Kendall and Bruce G. Merritt, two of the top prosecutors in the U.S. Attorney's office, have declined to reveal their trial strategy. But to prove the Ogorodnikovs guilty of espionage they need not

Continued

present them as high-level Soviet operatives.

Miller's testimony is viewed as critical by both the defense and the prosecution in the Ogorodnikov trial, and nobody is quite sure what Miller will say.

May Change His Story

To the extent that he sticks to the statements he made before he was charged with espionage himself, lawyers for the Ogorodnikovs feel that their client's chances of acquittal will be reduced.

But if he modifies his testimony and chooses to emphasize such matters as Ogorodnikova's alcoholism and his observations that she had a tendency to exaggerate her own importance when drinking, his testimony could help the defense.

Miller's own credibility has been hurt, however, by a series of

government charges that before his arrest on espionage charges he regularly misappropriated FBI funds, stole from his own relatives and even swiped candy bars from a 7-Eleven store close to FBI headquarters in Westwood.

In recent months, Miller's lawyers, Stanley Greenberg and Joel Levine, have consistently portrayed the former agent as a slow-witted bumbler who ended up facing spy charges only because he was not smart enough to let his FBI superiors know what he was doing.

Thus the stage is set for a spy trial where one defendant, Ogorodnikova, is pleading limited intelligence, the other defendant, Ogorodnikov, is claiming basic ignorance of what was happening, and the star witness, Miller, has proclaimed himself to be the "office screw-up."

So far, however, U.S. District Judge David V. Kenyon Jr. has given little indication of any sympathy for a defense of stupidity or

ignorance in a case where all three defendants remain accused of attempting to betray the interests of the United States.

In an exchange with Kenyon in a pretrial hearing weeks ago, Greenberg pointed out to the judge that Miller had to count on his fingers to figure out how much time had passed between the date in May, 1984, when he met Ogorodnikova, and the time in September when he finally told his FBI superiors about his involvement with her.

"When was the last time you saw an FBI agent resorting to counting on his fingers to tell the difference between three and four?" Miller's lawyer asked the judge.

"I must admit the next day I found myself counting on my fingers," Kenyon replied.

"I'm sorry I mentioned it then, your honor," said Greenberg.